

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 1995

DECEMBER 11, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MCCOLLUM, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 2538]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2538) to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 2538, the “Criminal Law Technical Amendments Act of 1995,” makes a number of technical amendments to the federal criminal law, principally in title 18 and title 21 of the United States Code. Over the past several years, the Office of Legislative Counsel of the House of Representatives and the Department of Justice have accumulated a list of technical errors in the federal

criminal law. Many of these errors have occurred as a result of rapid change to federal criminal law in the last several years. H.R. 2538 is purely technical in nature. No substantive modifications to the criminal law are made by this bill.

BACKGROUND AND NEED FOR THE LEGISLATION

H.R. 2538 is a purely technical bill. It makes a number of amendments to the federal criminal law. Most of the amendments are to sections of title 18 and title 21 of the United States Code. There are no substantive modifications to the criminal law made by this bill.

The bill makes various amendments to the criminal law. For example, the bill corrects a number of misspelled words, and errors in punctuation and other items of grammar. The bill also corrects a number of cross-references to the wrong sections. Many of these resulted when several new laws were added to title 18 by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322. Additionally, the bill deletes cross-references in title 18 to federal agencies that no longer exist, such as the Reconstruction Finance Corporation, and deletes duplicate provisions found in more than one place in the criminal law. Finally, the bill deletes several specific statutory fine amounts that unintentionally remain in the printed United States Code, notwithstanding the fact that several years ago Congress deleted specific fine amounts from title 18 and enacted a uniform fine section applicable to all crimes.

It is appropriate that Congress ensure that the written federal law, as read by both practitioners and the public, reflects the true intent of Congress. When this is so, the public's confidence in the Legislative Branch is strengthened and it becomes more likely that legal interpretations announced in federal courts will be consistent with the intent of Congress. H.R. 2538 promotes these important goals.

HEARINGS

There were no hearings held on H.R. 2538.

COMMITTEE CONSIDERATION

On October 31, 1995, the Committee met in open session and ordered reported the bill H.R. 2538 without amendment by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2538, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 7, 1995.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2538, the Criminal Law Technical Amendments Act of 1995, as ordered reported by the House Committee on the Judiciary on October 31, 1995. This bill would make clerical and technical amendments to title 18 and other provisions of law relating to crime and criminal justice.

Because this bill would not make any substantive changes to criminal law, CBO estimates that enacting H.R. 2538 would result in no additional cost to the federal government. Enacting H.R. 2538 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

H.R. 2538 would not affect state criminal law. Thus, enacting this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 2538 will have no significant inflationary impact on prices and costs in the national economy.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—This section states the short title of the bill as “Criminal Law Technical Amendments Act of 1995.”

Sec. 2. General Technical Amendments.—This section contains numerous amendments to provisions in title 18 and other titles. These amendments correct a number of grammatical, punctuation, and capitalization errors; correct erroneous cross-references to sections in title 18; eliminate duplicate portions of text found in certain sections of the United States Code; and simplify confusing wording in certain sections of title 18.

This section also makes an important amendment to a number of sections of title 18 that specify specific criminal fine amounts which are inconsistent with current federal law. In 1987, Congress enacted the “Criminal Fine Improvements Act of 1987” (Public Law 100–185) which, in part, overrode all of the lesser, specified, pre-existing fine amounts in the federal criminal law. Instead, Congress established a uniform fine provision (18 U.S.C. 3571) that applies to all crimes for which a fine is an authorized form of punishment. When Public law 100–185 was enacted, however, many sections of title 18 were not amended to remove obsolete fine references. H.R. 2538 eliminates these specific fine amounts in favor of the uniform fine provision of section 3571.

Sec. 3. Repeal of Obsolete Provisions in Title 18.—This section repeals provisions of title 18 and title 21 that are no longer needed because they refer to federal agencies that no longer exist or duplicate provisions found elsewhere in the criminal law.

Sec. 4. Technical Amendments Relating to Chapters 40 and 44 of Title 18.—This section makes a number of spelling and punctuation errors in chapters 40 and 44 of title 18, concerning explosive materials and firearms, respectively. It also corrects erroneous cross-references and eliminates duplicate text found in those sections. Finally, it codifies several provisions passed into law but which for technical reasons are not contained in the official published version of the United States Code.

Sec. 5. Additional Amendments Arising From Errors in Public Law 103–322.—Section 5 of the bill contains a number of amendments to the Violent Crime Control and Law Enforcement Act of 1994, enacted into law as Public Law 103–322. While these amendments are similar in nature to other amendments in H.R. 2538, they are grouped in section 5 for ease of reference.

Sec. 6. Additional Typographical And Similar Errors From Various Sources.—This section corrects a number of miscellaneous typographical, punctuation, and cross-references not corrected in other sections of H.R. 2538.

AGENCY VIEWS

The Committee has not received the formal written views of the Administration with respect to H.R. 2538. Administration officials have informed the Committee that the Administration supports passage of the bill.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted

is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

* * * * *

PART I—CRIMES

Chap.		Sec.
	* * * * *	
71. Obscenity		[1461] 1460
	* * * * *	
[113B.] 113C. Torture		[2340.] 2340
	* * * * *	

CHAPTER 1—GENERAL PROVISIONS

* * * * *

§ 13. Laws of States adopted for areas within Federal jurisdiction

(a) * * *

(b)(1) * * *

(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine [of not more than \$1,000] *under this title*, or both, if—

(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

* * * * *

CHAPTER 2—AIRCRAFT AND MOTOR VEHICLES

* * * * *

§ 36. Drive-by shooting

(a) DEFINITION.—In this section, “major drug offense” means—

(1) a continuing criminal enterprise punishable under section [403(c)] *408(c)* of the Controlled Substances Act (21 U.S.C. 848(c));

(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section 1013 of the Controlled Substances Import and Export [Control] Act (21 U.S.C. 963); or

* * * * *

§ 37. Violence at international airports

(a) * * *

* * * * *

(c) *BAR TO PROSECUTION.*—It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term “labor dispute” has the meaning set forth in section 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)).

* * * * *

CHAPTER 9—BANKRUPTCY

* * * * *

§ 152. Concealment of assets; false oaths and claims; bribery

A person who—

(1) * * *

* * * * *

shall be [fined not more than \$5,000] *fined under this title*, imprisoned not more than 5 years, or both.

§ 153. Embezzlement against estate

(a) *OFFENSE.*—A person described in subsection (b) who knowingly and fraudulently appropriates to the person's own use, embezzles, spends, or transfers any property or secretes or destroys any document belonging to the estate of a debtor shall be [fined not more than \$5,000] *fined under this title*, imprisoned not more than 5 years, or both.

(b) *PERSON TO WHOM SECTION APPLIES.*—A person described in this subsection is one who has access to property or documents belonging to an estate by virtue of the person's participation in the administration of the estate as a trustee, custodian, marshal, attorney, or other officer of the court or as an agent, employee, or other person engaged by such an officer to perform a service with respect to the estate.

§ 154. Adverse interest and conduct of officers

A person who, being a custodian, trustee, marshal, or other officer of the court—

(1) * * *

* * * * *

shall be [fined not more than \$5,000] *fined under this title* and shall forfeit the person's office, which shall thereupon become vacant.

* * * * *

CHAPTER 15—CLAIMS AND SERVICES IN MATTERS AFFECTING GOVERNMENT

Sec.

[281. Restrictions on retired military officers regarding certain matters affecting the Government.]

* * * * *

§281. Restrictions on retired military officers regarding certain matters affecting the Government

[(a)(1) A retired officer of the Armed Forces who, while not on active duty and within two years after release from active duty, directly or indirectly receives (or agrees to receive) any compensation for representation of any person in the sale of anything to the United States through the military department in which the officer is retired (in the case of an officer of the Army, Navy, Air Force, or Marine Corps) or through the Department of Transportation (in the case of an officer of the Coast Guard) shall be fined under this title or imprisoned not more than two years, or both.

[(2) Any person convicted under paragraph (1) shall be incapable of holding any office of honor, trust, or profit under the United States.

[(b) A retired officer of the Armed Forces who, while not on active duty and within two years after release from active duty, acts as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States—

[(1) involving the military department in which the officer is retired (in the case of an officer of the Army, Navy, Air Force, or Marine Corps) or the Department of Transportation (in the case of an officer of the Coast Guard); or

[(2) involving any subject matter with which the officer was directly connected while in an active-duty status;

shall be fined under this title or imprisoned not more than one year, or both.

[(c) This section does not apply—

[(1) to any person because of the person's membership in the National Guard of the District of Columbia; or

[(2) to any person specifically excepted by law.]

* * * * *

CHAPTER 18—CONGRESSIONAL, CABINET, AND SUPREME COURT ASSASSINATION, KIDNAPPING, AND ASSAULT

* * * * *

§351. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties

(a) * * *

* * * * *

(e) Whoever assaults any person designated in subsection (a) of this section shall be fined under this title, or imprisoned not more than one year, or both; and if the assault [involved in the use of a] *involved the use of a dangerous weapon, or personal injury re-*

sults, shall be fined under this title, or imprisoned not more than ten years, or both.

* * * * *

CHAPTER 25—COUNTERFEITING AND FORGERY

* * * * *

§ 504. Printing and filming of United States and foreign obligations and securities

Notwithstanding any other provision of this chapter, the following are permitted:

(1) **the** *The* printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, of illustrations of—

(A) * * *

* * * * *

(3) **the** *The* making or importation~~[,]~~ of motion-picture films, microfilms, or slides, for projection upon a screen or for use in telecasting, of postage and revenue stamps and other obligations and securities of the United States, and postage and revenue stamps, notes, bonds, and other obligations or securities of any foreign government, bank, or corporation. No prints or other reproductions shall be made from such films or slides, except for the purposes of paragraph (1), without the permission of the Secretary of the Treasury.

* * * * *

§ 510. Forging endorsements on Treasury checks or bonds or securities of the United States

(a) * * *

(b) Whoever, with knowledge that such Treasury check or bond or security of the United States is stolen or bears a falsely made or forged endorsement or signature buys, sells, exchanges, receives, delivers, retains, or conceals any such Treasury check or bond or security of the United States **that in fact is stolen or bears a forged or falsely made endorsement or signature** shall be fined under this title or imprisoned not more than ten years, or both.

* * * * *

§ 511. Altering or removing motor vehicle identification numbers

(a) * * *

(b)(1) * * *

(2) The persons referred to in paragraph (1) of this subsection are—

(A) * * *

* * * * *

(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner

of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

- (i) the owner or his authorized agent;
- (ii) applicable State or local law; or
- (iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.

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CHAPTER 26—CRIMINAL STREET GANGS

Sec.

521. *Criminal street gangs.*

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CHAPTER 29—ELECTIONS AND POLITICAL ACTIVITIES

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§ 597. Expenditures to influence voting

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Shall be fined under this title or imprisoned not more than one year, or both; and if the violation was willful, shall be ~~fin~~~~ed~~ not more than \$10,000] *fin*~~ed~~ *under this title* or imprisoned not more than two years, or both.

* * * * *

§ 610. Coercion of political activity

It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be ~~fin~~~~ed~~ not more than \$5,000] *fin*~~ed~~ *under this title* or imprisoned not more than three years, or both.

* * * * *

CHAPTER 31—EMBEZZLEMENT AND THEFT

Sec.

641. Public money, property or records.

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656. Theft, embezzlement, or misapplication by bank officer or employee.

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§ 656. Theft, embezzlement, or misapplication by bank officer or employee

Whoever, being an officer, director, agent or employee of, or connected in any capacity with any Federal Reserve bank, member bank, depository institution holding company, national bank, insured bank, branch or agency of a foreign bank, or organization operating under section 25 or section 25(a) of the Federal Reserve [Act,] *Act*, or a receiver of a national bank, insured bank, branch, agency, or organization or any agent or employee of the receiver, or a Federal Reserve Agent, or an agent or employee of a Federal Reserve Agent or of the Board of Governors of the Federal Reserve System, embezzles, abstracts, purloins or willfully misapplies any of the moneys, funds or credits of such bank, branch, agency, or organization or holding company or any moneys, funds, assets or securities intrusted to the custody or care of such bank, branch, agency, or organization, or holding company or to the custody or care of any such agent, officer, director, employee or receiver, shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both; but if the amount embezzled, abstracted, purloined or misapplied does not exceed \$100, he shall be fined under this title or imprisoned not more than one year, or both.

* * * * *

§ 661. Within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, takes and carries away, with intent to steal or purloin, any personal property of another shall be punished as follows:

If the property taken is of a value exceeding \$100, or is taken from the person of another, by a [fine of under] *fine under* this title, or imprisonment for not more than five years, or both; in all other cases, by a [fine of under] *fine under* this title or by imprisonment not more than one year, or both.

If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be the value of the property stolen.

* * * * *

§ 668. Theft of major artwork

(a) DEFINITIONS.—In this section—

(1) “museum” means an organized and permanent institution, the activities of which affect interstate or foreign commerce, that—

(A) is situated in the United States;

(B) is established for an essentially educational or aesthetic purpose;

(C) has a professional staff; and

(D) owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.

- (2) “object of cultural heritage” means an object that is—
 (A) over 100 years old and worth in excess of \$5,000; or
 (B) worth at least \$100,000.【”.】

* * * * *

CHAPTER 33—EMBLEMS, INSIGNIA, AND NAMES

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§ 709. False advertising or misuse of names to indicate Federal agency

Whoever, except as permitted by the laws of the United States, uses the words “national”, “Federal”, “United States”, “reserve”, or “Deposit Insurance” as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, savings or trust business; or

* * * * *

【Whoever uses as a firm or business name the words “Reconstruction Finance Corporation” or any combination or variation of these words—】

* * * * *

CHAPTER 37—ESPIONAGE AND CENSORSHIP

* * * * *

§ 798. Disclosure of classified information

(a) * * *

* * * * *

(d)(1) * * *

* * * * *

(5) As used in this subsection, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, 【the Trust Territory of the Pacific Islands,】 and any territory or possession of the United States.

* * * * *

CHAPTER 40—IMPORTATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS

* * * * *

§ 844. Penalties

(a) * * *

* * * * *

(f) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, any department or agency thereof, or any institution or organization receiving

Federal financial assistance shall be imprisoned for not more than 20 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, ~~or both;~~ **or both;** and if personal injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall be imprisoned for ~~twenty years, or fined under this title~~ **40 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both;** and if death results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment.

* * * * *

(h) Whoever—

(1) uses fire or an explosive to commit any felony which may be prosecuted in a court of the United States, or

(2) carries an explosive during the commission of any felony which may be prosecuted in a court of the United States,

including a felony which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device shall, in addition to the punishment provided for such felony, ~~be sentenced to imprisonment for 5 years but not more than 15 years~~ **be sentenced to imprisonment for not less than 5 nor more than 15 years.** In the case of a second or subsequent conviction under this subsection, such person shall ~~be sentenced to imprisonment for 10 years but not more than 25 years~~ **be sentenced to imprisonment for not less than 10 nor more than 25 years.** Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the felony in which the explosive was used or carried.

(i) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not more than 20 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, ~~or both;~~ **or both;** and if personal injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall be imprisoned for not more than 40 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, ~~or both;~~ **or both;** and if death results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment. No person shall be prosecuted, tried, or punished for any noncapital offense under this subsection unless the

indictment is found or the information is instituted within 7 years after the date on which the offense was committed.

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CHAPTER 44—FIREARMS

* * * * *

§ 922. Unlawful acts

(a) * * *

* * * * *

(g) It shall be unlawful for any person—

(1) * * *

* * * * *

(8) who is subject to a court order that—

(A) * * *

* * * * *

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury[.];

* * * * *

(t)(1) * * *

(2) If receipt of a firearm would not violate [section 922(g)] *subsection (g)* or (n) or State law, the system shall—

(A) assign a unique identification number to the transfer;

(B) provide the licensee with the number; and

(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

* * * * *

(w)(1) * * *

* * * * *

(4) If a person charged with violating paragraph (1) asserts that paragraph (1) does not apply to such person because of paragraph (2) or (3), the Government shall have the burden of proof to show that such paragraph (1) applies to such person. The lack of a serial number as described in section 923(i) of [title 18, United States Code,] *this title* shall be a presumption that the large capacity ammunition feeding device is not subject to the prohibition of possession in paragraph (1).

* * * * *

APPENDIX A

* * * * *

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle

* * * * *

【Uberti 1866 Sporting Rifle】

Uberti 1866 Sporting Rifle

* * * * *

Centerfire Rifles—Bolt Action

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【Sako Fiberclass Sporter】

Sako FiberClass Sporter

* * * * *

Shotguns—Slide Actions

* * * * *

【Remington 879 SPS Special Purpose Magnum】

Remington 870 SPS Special Purpose Magnum

* * * * *

Shotguns—Over/Unders

* * * * *

【E.A.A./Sabatti Falcon-Mon Over/Under】

E.A.A./Sabatti Falcon-Mon Over/Under

* * * * *

§ 923. Licensing

(a) * * *

* * * * *

(g)(1)(A) * * *

(B) The Secretary may inspect or examine the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such reasonable cause or warrant—

(i) in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

(ii) for ensuring compliance with the record keeping requirements of this chapter—

(I) not more than once during any 12-month period; or

(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee【.】; *or*

* * * * *

【(1)】 (1) The Secretary of the Treasury shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

§ 924. Penalties

(a)(1) * * *

* * * * *

【(5)】 (6)(A)(i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to

probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

(ii) * * *

* * * * *

[(i)] (j) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in that section.

[(j)] (k) A person who, with intent to engage in or to promote conduct that—

(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

(3) constitutes a crime of violence (as defined in subsection (c)(3)),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.

[(k)] (l) A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.

[(l)] (m) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.

[(m)] (n) A person who, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.

[(n)] (o) A person who conspires to commit an offense under subsection (c) shall be imprisoned for not more than 20 years, fined under this title, or both; and if the firearm is a machinegun or destructive device, or is equipped with a firearm silencer or muffler, shall be imprisoned for any term of years or life.

* * * * *

§ 930. Possession of firearms and dangerous weapons in Federal facilities

(a) * * *

* * * * *

(e)(1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm in a Federal court facil-

ity, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years, or both.

(2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection ~~[(c)]~~ (d).

* * * * *

(g) As used in this section:

(1) The term “Federal facility” means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

(2) The term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

(3) The term “Federal court facility” means the courtroom, judges’ chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.

~~[(g)]~~ (h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection ~~[(d)]~~ (e) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or ~~[(d)]~~ (e) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or ~~[(d)]~~ (e), as the case may be.

CHAPTER 45—FOREIGN RELATIONS

* * * * *

§970. Protection of property occupied by foreign governments

(a) * * *

(b) Whoever, willfully with intent to intimidate, coerce, threaten, or harass—

(1) * * *

* * * * *

shall be ~~[(fined not more than \$500)]~~ *fined under this title* or imprisoned not more than six months, or both.

* * * * *

CHAPTER 47—FRAUD AND FALSE STATEMENTS

Sec.

1001. Statements or entries generally.

* * * * *

1024. Purchase or receipt of military, naval, or ~~[(veterans’)]~~ *veteran’s* facilities property.

* * * * *

§ 1014. Loan and credit applications generally; renewals and discounts; crop insurance

Whoever knowingly makes any false statement or report, or willfully overvalues any land, property or security, for the purpose of influencing in any way the action of the [Reconstruction Finance Corporation,] Farm Credit Administration, Federal Crop Insurance Corporation or a company the Corporation reinsures, [Farmers' Home Corporation,] the Secretary of Agriculture acting through the Farmers Home Administration, the Rural Development Administration, any Farm Credit Bank, production credit association, agricultural credit association, bank for cooperatives, or any division, officer, or employee thereof, or of any regional agricultural credit corporation established pursuant to law, or [of the National Agricultural Credit Corporation,] a Federal land bank, a Federal land bank association, a Federal Reserve bank, a small business investment company, a Federal credit union, an insured State-chartered credit union, any institution the accounts of which are insured by the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, any Federal home loan bank, the Federal Housing Finance Board, the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, the Farm Credit System Insurance Corporation, or the National Credit Union Administration Board, a branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or an organization operating under section 25 or section 25(a) of the Federal Reserve Act, upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

* * * * *

§ 1028. Fraud and related activity in connection with identification documents

(a) Whoever, in a circumstance described in subsection (c) of this section—

(1) * * *

* * * * *

(4) knowingly possesses an identification document (other than one issued lawfully for the use of the possessor) or a false identification document, with the intent such document be used to defraud the United States; [or]

(5) knowingly produces, transfers, or possesses a document-making implement with the intent such document-making implement will be used in the production of a false identification document or another document-making implement which will be so used; *or*

* * * * *

(b) The punishment for an offense under subsection (a) of this section is—

(1) a [fine of under] *fine under* this title or imprisonment for not more than five years, or both, if the offense is—

(A) the production or transfer of an identification document or false identification document that is or appears to be—

(i) an identification document issued by or under the authority of the United States; or

(ii) a birth certificate, or a driver's license or personal identification card;

(B) the production or transfer of more than five identification documents or false identification documents; or

(C) an offense under paragraph (5) of such subsection;

(2) a [fine of under] *fine under* this title or imprisonment for not more than three years, or both, if the offense is—

(A) any other production or transfer of an identification document or false identification document; or

(B) an offense under paragraph (3) of such subsection; and

(3) a [fine of under] *fine under* this title or imprisonment for not more than one year, or both, in any other case.

§ 1029. Fraud and related activity in connection with access devices

(a) Whoever—

(1) * * *

* * * * *

(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than \$1,000;

(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

(A) offering an access device; or

(B) selling information regarding or an application to obtain an access device; [or]

[(5)] (7) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a telecommunications instrument that has been modified or altered to obtain unauthorized use of telecommunications services; [or]

[(6)] (8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses—

(A) a scanning receiver; or

(B) hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services, *or*

[(7)] (9) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;

shall, if the offense affects interstate or foreign commerce, be punished as provided in subsection (c) of this section.

* * * * *

(c) The punishment for an offense under subsection (a) or (b)(1) of this section is—

(1) a fine under this title or twice the value obtained by the offense, whichever is greater, or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a) (2), (3), (5), (6), ~~or (7)~~ (7), (8), or (9) of this section which does not occur after a conviction for another offense under either such subsection, or an attempt to commit an offense punishable under this paragraph;

(2) a fine under this title or twice the value obtained by the offense, whichever is greater, or imprisonment for not more than fifteen years, or both, in the case of an offense under subsection (a) (1), (4), (5), ~~or (6)~~ (6), (7), or (8) of this section which does not occur after a conviction for another offense under either such subsection, or an attempt to commit an offense punishable under this paragraph; and

* * * * *

§ 1030. Fraud and related activity in connection with computers

(a) Whoever—

(1) * * *

* * * * *

(5)(A) * * *

(B) through means of a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

(i) * * *

(ii) if the transmission of the harmful component of the program, information, code, or command—

(I) occurred without the authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

(II)(aa) causes loss or damage to one or more other persons of a value aggregating \$1,000 or more during any 1-year period; or

(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

* * * * *

(c) The punishment for an offense under subsection (a) or (b) of this section is—

(1)(A) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(1) of this section which does not occur after a conviction for another offense under such subsection, or an at-

tempt to commit an offense punishable under this subparagraph; and

(B) a fine under this title or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a)(1) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; **[and]**

* * * * *

(g) Any person who suffers damage or loss by reason of a violation of **[the]** *this* section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.

(h) The Attorney General and the Secretary of the Treasury shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning investigations and prosecutions under **[section 1030(a)(5) of title 18, United States Code]** *subsection (a)(5)*.

* * * * *

CHAPTER 51—HOMICIDE

Sec.

1111. Murder.

* * * * *

1122. *Protection against the human immunodeficiency virus.*

* * * * *

§1114. Protection of officers and employees of the United States

Whoever kills or attempts to kill any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any officer or employee of the Postal Service, any officer or employee of the Secret Service or of the Drug Enforcement Administration, any officer or member of the United States Capitol Police, any member of the Coast Guard, any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions, any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the pro-

tection, preservation, or restoration of game and other wild birds and animals, any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands or any other commonwealth, territory, or possession of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases, any officer or employee of the National Park Service, any civilian official or employee of the Army Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, any security officer of the Department of State or the Foreign Service, or any officer or employee of the Department of Education, the Department of Health and Human Services, the Consumer Product Safety Commission, Interstate Commerce Commission, the Department of Commerce, or of the Department of Labor or of the Department of the Interior or of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions, or any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions, or any officer or employee of the Department of Veterans Affairs assigned to perform investigative or law enforcement functions, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section, any attorney, liquidator, examiner, claim agent, or other employee of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Housing Finance Board, the Resolution Trust Corporation, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration, or any other officer or employee of the United States or any agency thereof designated for coverage under this section in regulations issued by the Attorney General engaged in or on account of the performance of his official duties, or any officer or employee of the United States or any agency thereof designated to collect or compromise a Federal claim in accordance with sections 3711 and 3716–3718 of title 31 or other statutory authority shall be punished, in the case of murder, as provided under section 1111, or, in the case of manslaughter, as provided under section [1112.] 1112, except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

* * * * *

§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title[, except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.].

* * * * *

§ 1120. Murder by escaped prisoners

(a) DEFINITION.—In this section, “[Federal prison] *Federal correctional institution*” and “term of life imprisonment” have the meanings stated in section 1118.

(b) OFFENSE AND PENALTY.—A person, having escaped from a [Federal prison] *Federal correctional institution* where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.

* * * * *

[§ 1118.] § 1122. Protection against the human immunodeficiency virus

(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids for use by another, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).

(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine *under this title* of not less than \$10,000 [nor more than \$20,000], imprisoned for not less than 1 year nor more than 10 years, or both.

CHAPTER 53—INDIANS

Sec.

1151. Indian country defined.

* * * * *

1168. Theft by officers or employees of gaming establishments on Indian lands.

1169. Reporting of child abuse.

* * * * *

CHAPTER 65—MALICIOUS MISCHIEF

* * * * *

§ 1361. Government property or contracts

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency

thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows:

If the damage or attempted damage to such property exceeds the sum of \$100, by a ~~fine of under~~ *fine under* this title or imprisonment for not more than ten years, or both; if the damage or attempted damage to such property does not exceed the sum of \$100, by a ~~fine of under~~ *fine under* this title or by imprisonment for not more than one year, or both.

* * * * *

CHAPTER 73—OBSTRUCTION OF JUSTICE

* * * * *

§ 1508. Recording, listening to, or observing proceedings of grand or petit juries while deliberating or voting

Whoever knowingly and willfully, by any means or device whatsoever—

(a) records, or attempts to record, the proceedings of any grand or petit jury in any court of the United States while such jury is deliberating or voting; or

(b) listens to or observes, or attempts to listen to or observe, the proceedings of any grand or petit jury of which he is not a member in any court of the United States while such jury is deliberating or voting—

shall be fined under this title or imprisoned not more than one year, or both.

Nothing in paragraph (a) of this section shall be construed to prohibit the taking of notes by a grand or petit juror in any court of the United States in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

* * * * *

§ 1512. Tampering with a witness, victim, or an informant

(a)(1) * * *

(2) The punishment for an offense under this subsection is—

(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112; *and*

* * * * *

§ 1515. Definitions for certain provisions; general provision

(a) As used in sections 1512 and 1513 of this title and in this section—

(1) the term “official proceeding” means—

(A) * * *

* * * * *

(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the af-

fairs of any person engaged in the business of insurance whose activities affect interstate commerce; **[or]**

* * *

§ 1516. Obstruction of Federal audit

(a) * * *

(b) For purposes of this section—

(1) the term “Federal auditor” means any person employed on a full- or part-time or contractual basis to perform an audit or a quality assurance inspection for or on behalf of the United States; *or*

* * *

CHAPTER 85—PRISON-MADE GOODS

* * *

§ 1761. Transportation or importation

(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole, supervised release, or probation, or in any penal or reformatory institution, shall be **[fined not more than \$50,000]** *finéd under this title* or imprisoned not more than two years, or both.

* * *

§ 1762. Marking packages

(a) * * *

(b) Whoever violates this section shall be **[fined not more than \$50,000]** *finéd under this title*, and any goods, wares, or merchandise transported in violation of this section or section 1761 of this title shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law.

CHAPTER 87—PRISONS

* * *

§ 1791. Providing or possessing contraband in prison

(a) * * *

* * *

(c) *CONSECUTIVE PUNISHMENT REQUIRED IN CERTAIN CASES.*—Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance. Any punishment imposed under subsection (b) for a violation of this section by an inmate of a prison shall be consecutive to the sentence being served by such inmate at the time the inmate commits such violation.

* * *

CHAPTER 89—PROFESSIONS AND OCCUPATIONS

* * * * *

§ 1821. Transportation of dentures

Whoever transports by mail or otherwise to or within the District of Columbia, the Canal Zone or any Possession of the United States or uses the mails or any instrumentality of interstate commerce for the purpose of sending or bringing into any State or Territory any set of artificial teeth or prosthetic dental appliance or other denture, constructed from any cast or impression made by any person other than, or without the authorization or prescription of, a person licensed to practice dentistry under the laws of the place into which such denture is sent or brought, where such laws prohibit:

(1) * * *

* * * * *

Shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year, or both.

CHAPTER 91—PUBLIC LANDS

* * * * *

§ 1851. Coal depredations

Whoever mines or removes coal of any character, whether anthracite, bituminous, or lignite, from beds or deposits in lands of, or reserved to the United States, with intent wrongfully to appropriate, sell, or dispose of the same, shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year, or both.

This section shall not interfere with any right or privilege conferred by existing laws of the United States.

§ 1852. Timber removed or transported

Whoever cuts, or wantonly destroys any timber growing on the public lands of the United States; or

Whoever removes any timber from said public lands, with intent to export or to dispose of the same; or

Whoever, being the owner, master, pilot, operator, or consignee of any vessel, motor vehicle, or aircraft or the owner, director, or agent of any railroad, knowingly transports any timber so cut or removed from said lands, or lumber manufactured therefrom—

Shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year, or both.

This section shall not prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; nor shall it interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands.

§ 1853. Trees cut or injured

Whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States

which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year, or both.

§ 1854. Trees boxed for pitch or turpentine

Whoever cuts, chips, chops, or boxes any tree upon any lands belonging to the United States, or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance; or

Whoever buys, trades for, or in any manner acquires any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance, with knowledge that the same has been so unlawfully obtained—

Shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year, or both.

* * * * *

CHAPTER 93—PUBLIC OFFICERS AND EMPLOYEES

Sec.

1901. Collecting or disbursing officer trading in public property.

* * * * *

1920. False statement or fraud to obtain Federal [employee's] *employees'* compensation.

* * * * *

§ 1905. Disclosure of confidential information generally

Whoever, being an officer or employee of the United States or of any department or agency thereof, any person acting on behalf of the Office of Federal Housing Enterprise Oversight, or agent of the Department of Justice as defined in the Antitrust Civil Process Act (15 U.S.C. 1311–1314), publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be [fined not more

than \$1,000] *fined under this title*, or imprisoned not more than one year, or both; and shall be removed from office or employment.

* * * * *

§ 1916. Unauthorized employment and disposition of lapsed appropriations

Whoever—

(1) violates the provision of section 3103 of title 5 that an individual may be employed in the civil service in an Executive department at the seat of Government only for services actually rendered in connection with and for the purposes of the appropriation from which he is paid; or

(2) violates the provision of section 5501 of title 5 that money accruing from lapsed salaries or from unused appropriations for salaries shall be covered into the Treasury of the United States;

shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year.

§ 1917. Interference with civil service examinations

Whoever, being a member or employee of the United States Office of Personnel Management or an individual in the public service, willfully and corruptly—

(1) defeats, deceives, or obstructs an individual in respect of his right of examination according to the rules prescribed by the President under title 5 for the administration of the competitive service and the regulations prescribed by such Office under section 1302(a) of title 5;

(2) falsely marks, grades, estimates, or reports on the examination or proper standing of an individual examined;

(3) makes a false representation concerning the mark, grade, estimate, or report on the examination or proper standing of an individual examined, or concerning the individual examined; or

(4) furnishes to an individual any special or secret information for the purpose of improving or injuring the prospects or chances of an individual examined, or to be examined, being appointed, employed, or promoted;

shall, for each offense, be [fined not less than \$100 nor more than \$1,000] *fined under this title not less than \$100* or imprisoned not less than ten days nor more than one year, or both.

§ 1918. Disloyalty and asserting the right to strike against the Government

Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) * * *

* * * * *

shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year and a day, or both.

* * * * *

§ 1920. False statement or fraud to obtain Federal employee's compensation

Whoever knowingly and willfully falsifies, conceals, or covers up a material fact, or makes a false, fictitious, or fraudulent statement or representation, or makes or uses a false statement or report knowing the same to contain any false, fictitious, or fraudulent statement or entry in connection with the application for or receipt of compensation or other benefit or payment under subchapter I or III of chapter 81 of title 5, shall be guilty of perjury, and on conviction thereof shall be punished by a fine [of not more than \$250,000] *under this title*, or by imprisonment for not more than 5 years, or both; but if the amount of the benefits falsely obtained does not exceed \$1,000, such person shall be punished by a fine [of not more than \$100,000] *under this title*, or by imprisonment for not more than 1 year, or both.

* * * * *

CHAPTER 95—RACKETEERING

* * * * *

§ 1956. Laundering of monetary instruments

(a) * * *

* * * * *

(c) As used in this section—

(1) * * *

* * * * *

(7) the term “specified unlawful activity” means—

(A) * * *

(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving—

(i) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

(ii) kidnapping, robbery, or extortion; or

(iii) fraud, or any scheme or attempt to defraud, by or against a foreign bank (as defined in paragraph 7 of section 1(b) of the International Banking Act of [1978] 1978);

* * * * *

§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire

(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, or who conspires to do so [or who conspires to do so], shall

be fined under this title or imprisoned for not more than ten years, or both; and if personal injury results, shall be fined under this title [and] *or* imprisoned for not more than twenty years, or both; and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both.

* * * * *

CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

* * * * *

§ 1961. Definitions

As used in this chapter—

(1) “racketeering activity” means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), sections 1461–1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), sections 2251, 2251A, 2252, and [2258] 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle

parts), sections 2341–2346 (relating to trafficking in contraband cigarettes), sections 2421–24 (relating to white slave traffic), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of ~~that~~ *this* title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, or (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act.

* * * * *

CHAPTER 97—RAILROADS

* * * * *

§ 1991. Entering train to commit crime

Whoever, in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder or robbery, shall be fined under this title or imprisoned not more than twenty years, or both.

Whoever, within such jurisdiction, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with intent to commit any unlawful violence upon or against any passenger on said train, or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon, shall be ~~fin~~*ed under this title* ~~not more than \$1,000~~ or imprisoned not more than one year, or both.

Upon the trial of any person charged with any offense set forth in this section, it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

* * * * *

CHAPTER 101—RECORDS AND REPORTS

* * * * *

§ 2076. Clerk of United States District Court

Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be ~~fin~~

not more than \$1,000 or imprisoned not more than one year] *fin*
under this title or imprisoned not more than one year, or both.

CHAPTER 102—RIOTS

* * * * *

§ 2101. Riots

(a) [(1)] Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—

[(A)] (1) to incite a riot; or

[(B)] (2) to organize, promote, encourage, participate in, or carry on a riot; or

[(C)] (3) to commit any act of violence in furtherance of a riot; or

[(D)] (4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph—

Shall be fined under this title, or imprisoned not more than five years, or both.

* * * * *

CHAPTER 103—ROBBERY AND BURGLARY

* * * * *

§ 2115. Post office

Whoever forcibly breaks into or attempts to break into any post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or building or part thereof, so used, any larceny or other depredation, shall be [fined not more than \$1,000] *fin*
under this title or imprisoned not more than five years, or both.

§ 2116. Railway or steamboat post office

Whoever, by violence, enters a post-office car, or any part of any car, steamboat, or vessel, assigned to the use of the mail service, or willfully or maliciously assaults or interferes with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, shall be [fined not more than \$1,000] *fin*
under this title or imprisoned not more than three years, or both.

* * * * *

CHAPTER 105—SABOTAGE

Sec.

2151. Definitions.

* * * * *

2155. Destruction of national-defense materials, national-defense premises [or], or national-defense utilities.
 2156. Production of defective national-defense material, national-defense premises [or], or national-defense utilities.

* * * * *

§2155. Destruction of national-defense materials, national-defense premises [or], or national-defense utilities

(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any national-defense material, national-defense premises, or national-defense utilities, shall be fined under this title or imprisoned not more than ten years, or both.

* * * * *

§2156. Production of defective national-defense material, national-defense premises [or], or national-defense utilities

(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully makes, constructs, or attempts to make or construct in a defective manner, any national-defense material, national-defense premises or national-defense utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, national-defense premises or national-defense utilities, shall be fined under this title or imprisoned not more than ten years, or both.

* * * * *

CHAPTER 107—SEAMEN AND STOWAWAYS

* * * * *

§2191. Cruelty to seamen

Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, flogs, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any corporal or other cruel and unusual punishment, shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than five years, or both.

§2192. Incitation of seamen to revolt or mutiny

Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect his proper duty on board thereof, or to betray his proper trust, or assembles with others in a tu-

multuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be **[fined not more than \$1,000]** *fined under this title* or imprisoned not more than five years, or both.

* * * * *

§2194. Shanghaiing sailors

Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, procures or induces, or attempts to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in anywise enter into any agreement to go on board of any such vessel to perform service or labor thereon; or

Whoever knowingly detains on board of any such vessel any person so procured or induced to go on board, or to enter into any agreement to go on board, by any means herein defined—

Shall be **[fined not more than \$1,000]** *fined under this title* or imprisoned not more than one year, or both.

* * * * *

§2199. Stowaways on vessels or aircraft

Whoever, without the consent of the owner, charterer, master, or person in command of any vessel, or aircraft, with intent to obtain transportation, boards, enters or secretes himself aboard such vessel or aircraft and is thereon at the time of departure of said vessel or aircraft from a port, harbor, wharf, airport or other place within the jurisdiction of the United States; or

Whoever, with like intent, having boarded, entered or secreted himself aboard a vessel or aircraft at any place within or without the jurisdiction of the United States, remains aboard after the vessel or aircraft has left such place and is thereon at any place within the jurisdiction of the United States; or

Whoever, with intent to obtain a ride or transportation, boards or enters any aircraft owned or operated by the United States without the consent of the person in command or other duly authorized officer or agent—

Shall be **[fined not more than \$1,000]** *fined under this title* or imprisoned not more than one year, or both.

The word “aircraft” as used in this section includes any contrivance for navigation or flight in the air.

CHAPTER 109—SEARCHES AND SEIZURES

* * * * *

§2234. Authority exceeded in executing warrant

Whoever, in executing a search warrant, willfully exceeds his authority or exercises it with unnecessary severity, shall be **[fined not**

more than \$1,000] *fined under this title* or imprisoned not more than one year.

§ 2235. Search warrant procured maliciously

Whoever maliciously and without probable cause procures a search warrant to be issued and executed, shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year.

§ 2236. Searches without warrant

Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling without a warrant directing such search, or maliciously and without reasonable cause searches any other building or property without a search warrant, shall be fined for a first offense not more than \$1,000; and, for a subsequent offense, shall be [fined not more than \$1,000] *fined under this title* or imprisoned not more than one year, or both.

This section shall not apply to any person—

(a) * * *

* * * * *

CHAPTER 110—SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN

Sec.

2251. Sexual exploitation of children.

* * * * *

2258. Failure to report child abuse.

2259. Mandatory restitution.

[2258.] 2260. Production of sexually explicit depictions of a minor for importation into the United States.

* * * * *

[§ 2258.] § 2260. Production of sexually explicit depictions of a minor for importation into the United States

(a) USE OF MINOR.—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

(b) USE OF VISUAL DEPICTION.—A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

(c) **PENALTIES.**—A person who violates subsection (a) or (b), or conspires or attempts to do so—

(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both.

CHAPTER 110A—DOMESTIC VIOLENCE

[Sec. 2261. Interstate domestic violence.

[Sec. 2262. Interstate violation of protection order.

[Sec. 2263. Pretrial release of defendant.

[Sec. 2264. Restitution.

[Sec. 2265. Full faith and credit given to protection orders.

[Sec. 2266. Definitions.]

Sec.

2261. Interstate domestic violence.

2262. Interstate violation of protection order.

2263. Pretrial release of defendant.

2264. Restitution.

2265. Full faith and credit given to protection orders.

2266. Definitions.

* * * * *

§ 2262. Interstate violation of protection order

(a) **OFFENSES.**—

(1) **CROSSING A STATE LINE.**—A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

(A)(i) * * *

(ii) would violate **[subparagraph (A)]** *this subparagraph* if the conduct occurred in the jurisdiction in which the order was issued; and

* * * * *

CHAPTER 113—STOLEN PROPERTY

* * * * *

§ 2311. Definitions

As used in this chapter:

“Aircraft” means any contrivance now known or hereafter invented, used, or designed for navigation of or for flight in the air;

“Cattle” means one or more bulls, steers, oxen, cows, heifers, or calves, or the carcass or carcasses thereof;

“**[livestock]** *Livestock*” means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, llamas, goats, fowl, sheep, buffalo, and cattle, or the carcasses thereof.

* * * * *

CHAPTER 113A—TELEMARKETING FRAUD

* * * * *

§ 2327. Mandatory restitution

(a) * * *

* * * * *

(c) PROOF OF CLAIM.—

(1) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's [delegee] *designee*), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's [delegee] *designee*) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's [delegee] *designee*) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

(2) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's [delegee] *designee*) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

(4) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's [delegee] *designee*) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

* * * * *

CHAPTER 113B—TERRORISM

* * * * *

§ 2339A. Providing material support to terrorists

(a) * * *

(b) OFFENSE.—A person who, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, [36] 37, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, [2331] 2332, or [2339] 2332a of this title or section 46502 of title 49, or in preparation for or carrying out the concealment [of an escape] *or an escape* from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.

CHAPTER [113B] 113C—TORTURE

Sec.

2340. Definitions.

2340A. Torture.

2340B. Exclusive remedies.

* * * * *

CHAPTER 117—TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES

* * * * *

§ 2423. Transportation of minors

(a) * * *

(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section [2245] 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

* * * * *

CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

* * * * *

§ 2511. Interception and disclosure of wire, oral, or electronic communications prohibited

(1) Except as otherwise specifically provided in this chapter any person who—

(a) * * *

* * * * *

(e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by [sections

2511(2)(A)(ii), 2511(b)–(c), 2511(e)] *sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e), 2516, and 2518 of this [subchapter] chapter*, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, and (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation, shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

* * * * *

§2516. Authorization for interception of wire, oral, or electronic communications

(1) The Attorney General, Deputy Attorney General, Associate Attorney General, or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

(a) * * *

* * * * *

(l) the location of any fugitive from justice from an offense described in this section; [or]

* * * * *

(n) any violation of section 5861 of the Internal Revenue Code of 1986 (relating to firearms); [and] *or*

* * * * *

CHAPTER 121—STORED WIRE AND ELECTRONIC COMMUNICATIONS AND TRANSACTIONAL RECORDS ACCESS

* * * * *

§2701. Unlawful access to stored communications

(a) * * *

(b) PUNISHMENT.—The punishment for an offense under subsection (a) of this section is—

(1) if the offense is committed for purposes of commercial advantage, malicious destruction or damage, or private commercial gain—

(A) a [fine of under] *fine under* this title or imprisonment for not more than one year, or both, in the case of a first offense under this subparagraph; and

(B) a fine under this title or imprisonment for not more than two years, or both, for any subsequent offense under this subparagraph; and
 (2) a [fine of under] *fine under* this title or imprisonment for not more than six months, or both, in any other case.

* * * * *

§ 2703. Requirements for governmental access

(a) * * *

* * * * *

(d) REQUIREMENTS FOR COURT ORDER.—A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction described in section [3126(2)(A)] 3127(2)(A) and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation. In the case of a State governmental authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the information or records requested are unusually voluminous in nature or compliance with such order otherwise would cause an undue burden on such provider.

* * * * *

CHAPTER 123—PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS

Sec.

2721. *Prohibition on release and use of certain personal information from State motor vehicle records.*

2722. *Additional unlawful acts.*

2723. *Penalties.*

2724. *Civil action.*

2725. *Definitions.*

* * * * *

§ 2721. Prohibition on release and use of certain personal information from State motor vehicle records

(a) * * *

* * * * *

(c) RESALE OR REDISCLOSURE.—An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b)(11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(11)) that re-

sells or rediscloses personal information covered by this [title] chapter must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

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PART II—CRIMINAL PROCEDURE

* * * * *

CHAPTER 203—ARREST AND COMMITMENT

* * * * *

§ 3056. Powers, authorities, and duties of United States Secret Service

(a) Under the direction of the Secretary of the Treasury, the United States Secret Service is authorized to protect the following persons:

(1) * * *

* * * * *

(3) Former Presidents and their spouses for their lifetimes, except that protection of a spouse shall terminate in the event of remarriage unless the former President did not serve as President prior to January 1, 1997, in which case, former Presidents and their spouses for a period of not more than ten years from the date a former President leaves office, except that—

[(1)] (A) protection of a spouse shall terminate in the event of remarriage or the divorce from, or death of a former President; and

[(2)] (B) should the death of a President occur while in office or within one year after leaving office, the spouse shall receive protection for one year from the time of such death:

Provided, That the Secretary of the Treasury shall have the authority to direct the Secret Service to provide temporary protection for any of these individuals at any time if the Secretary of the Treasury or designee determines that information or conditions warrant such protection.

* * * * *

§ 3059A. Special rewards for information relating to certain financial institution offenses

(a)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make payments to persons who furnish information unknown to the Government relating to a possible prosecution under [section 215 225,,] *section 215, 225, 287, 656, 657, 1001, 1005, 1006, 1007, 1014, 1032, 1341, 1343, 1344, or 1517* of this title affecting a depository institution insured by the Federal Deposit Insurance Corporation or any other agency

or entity of the United States, or to a possible prosecution for conspiracy to commit such an offense.

* * * * *

CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS AND ESPIONAGE

* * * * *

§ 3077. Definitions

As used in this chapter, the term—

(1) * * *

* * * * *

(8) “act of espionage” means an activity that is a violation of—

(A) section 793, 794, or 798 of [title 18, United States Code] *this title*; or

* * * * *

CHAPTER 206—PEN REGISTERS AND TRAP AND TRACE DEVICES

* * * * *

§ 3125. Emergency pen register and trap and trace device installation

(a) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General, or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that—

(1) an emergency situation exists that involves—

(A) immediate danger of death or serious bodily injury to any person; or

(B) conspiratorial activities characteristic of organized crime,

that requires the installation and use of a pen register or a trap and trace device before an order authorizing such installation and use can, with due diligence, be obtained, and

(2) there are grounds upon which an order could be entered under this chapter to authorize such installation and use; may have installed and use a pen register or trap and trace device if, within forty-eight hours after the installation has occurred, or begins to occur, an order approving the installation or use is issued in accordance with section 3123 of this title.[""]

* * * * *

CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS

* * * * *

§ 3146. Penalty for failure to appear

(a) * * *

(b) PUNISHMENT.—(1) The punishment for an offense under this section is—

(A) if the person was released in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction for—

(i) * * *

* * * * *

(iv) a misdemeanor, [a fined under this title] *a fine under this title* or imprisonment for not more than one year, or both; and

* * * * *

CHAPTER 209—EXTRADITION

Sec.

3181. Scope and limitation of chapter.

3182. Fugitives from State or Territory to State, District, or Territory.

3183. Fugitives from State, Territory, or Possession into extraterritorial jurisdiction of United States.

* * * * *

§ 3182. Fugitives from State or Territory to State, District, or Territory

Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District, or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, the executive authority of the State, District, or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the arrest, the prisoner may be discharged.

* * * * *

CHAPTER 213—LIMITATIONS

* * * * *

§ 3286. Extension of statute of limitation for certain terrorism offenses

Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section [36] 37 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to gov-

ernment property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section [2331] 2332 (terrorist acts abroad against United States nationals), section [2339] 2332a (use of weapons of mass destruction), or section 2340A (torture) of this title or section 46502, 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.

* * * * *

CHAPTER 223—WITNESSES AND EVIDENCE

Sec.

3481. Competency of accused.

* * * * *

3509. Child [Victims'] *victims'* and child witnesses' rights.

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§ 3509. Child victims' and child witnesses' rights

(a) * * *

* * * * *

(e) CLOSING THE COURTROOM.—When a child testifies the court may order the exclusion from the courtroom of all persons, including members of the press, who do not have a direct interest in the case. Such an order may be made if the court determines on the record that requiring the child to testify in open court would cause substantial psychological harm to the child or would result in the child's inability to effectively communicate. Such an order shall be narrowly tailored to serve the [government's] *Government's* specific compelling interest.

* * * * *

(h) GUARDIAN AD LITEM.—

(1) * * *

* * * * *

(3) IMMUNITIES.—A guardian ad litem shall be presumed to be acting in good faith and shall be immune from civil and criminal liability for complying with the guardian's lawful duties described in [subpart] *paragraph* (2).

* * * * *

CHAPTER 227—SENTENCES

* * * * *

SUBCHAPTER A—GENERAL PROVISIONS

* * * * *

§ 3553. Imposition of a sentence

(a) * * *

* * * * *

(f) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN CASES.—Notwithstanding any other provision of law, in

the case of an offense under section 401, 404, or 406 of the Controlled Substances Act (21 U.S.C. 841, 844, 846) or [section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)] *section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)*, the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that—

(1) * * *

* * * * *

(4) the defendant was not an organizer, leader, manager, or supervisor of others in the offense, as determined under the sentencing guidelines and was not engaged in a continuing criminal enterprise, as defined in [21 U.S.C. 848] *section 408 of the Controlled Substances Act*; and

* * * * *

SUBCHAPTER B—PROBATION

* * * * *

§ 3561. Sentence of probation

(a) * * *

(b) DOMESTIC VIOLENCE OFFENDERS.—A defendant who has been convicted for the first time of a domestic violence crime shall be sentenced to a term of probation if not sentenced to a term of imprisonment. The term “domestic violence crime” means a crime of violence for which the defendant may be prosecuted in a court of the United States in which the victim or intended victim is the spouse, former spouse, intimate partner, former intimate partner, child, or former child of the defendant, [or any relative defendant, child, or former child of the defendant,] or any other relative of the defendant.

* * * * *

§ 3563. Conditions of probation

(a) MANDATORY CONDITIONS.—The court shall provide, as an explicit condition of a sentence of probation—

(1) for a felony, a misdemeanor, or an infraction, that the defendant not commit another Federal, State, or local crime during the term of probation;

(2) for a felony, that the defendant also abide by at least one condition set forth in subsection (b)(2), (b)(3), or (b)(13), unless the court finds on the record that extraordinary circumstances exist that would make such a condition plainly unreasonable, in which event the court shall impose one or more of the other conditions set forth under subsection (b);

(3) for a felony, a misdemeanor, or an infraction, that the defendant not unlawfully possess a controlled substance; [and]

(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled sub-

stance and submit to one drug test within 15 days of release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant[.]; and

[(4)] (5) for a domestic violence crime as defined in section 3561(b) by a defendant convicted of such an offense for the first time that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant.

If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation. The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A defendant who tests positive may be detained pending verification of a positive drug test result. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3565(b), when considering any action against a defendant who fails a drug test administered in accordance with paragraph (4).

* * * * *

SUBCHAPTER D—IMPRISONMENT

* * * * *

§ 3582. Imposition of a sentence of imprisonment

(a) * * *

* * * * *

(c) MODIFICATION OF AN IMPOSED TERM OF IMPRISONMENT.—The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

(i) extraordinary and compelling reasons warrant such a reduction; *or*

* * * * *

CHAPTER 228—DEATH SENTENCE

* * * * *

§ 3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

(a) * * *

* * * * *

(c) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in section 3591(a)(2), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

(1) * * *

* * * * *

(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or III of the [Controlled Substances Act] *Comprehensive Drug Abuse Prevention and Control Act of 1970* for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

* * * * *

PART III—PRISONS AND PRISONERS

* * * * *

CHAPTER 305—COMMITMENT AND TRANSFER

Sec.

4081. Classification and treatment of prisoners.

4082. Commitment to Attorney General; residential treatment [centers,] *centers*; extension of limits of confinement; work furlough.

* * * * *

PART IV—CORRECTION OF YOUTHFUL OFFENDERS

* * * * *

CHAPTER 403—JUVENILE DELINQUENCY

* * * * *

§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

A juvenile alleged to have committed an act of juvenile delinquency, other than a violation of law committed within the special maritime and territorial jurisdiction of the United States for which

the maximum authorized term of imprisonment does not exceed six months, shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate district court of the United States that (1) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, (2) the State does not have available programs and services adequate for the needs of juveniles, or (3) the offense charged is a crime of violence that is a felony or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), (3)), *section 922(x)* or section 924(b), (g), or (h) **【or (x)】** of this title, and that there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State. For purposes of this section, the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

If an alleged juvenile delinquent is not surrendered to the authorities of a State pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information *or as authorized under section 3401(g) of this title*, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

* * * * *

§ 5037. Dispositional hearing

(a) * * *

(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend—

(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

(A) the date when the juvenile becomes twenty-one years old; or

(B) the maximum term that would be authorized by section **【3561(b)】** *3561(c)* if the juvenile had been tried and convicted as an adult; or

(2) in the case of a juvenile who is between eighteen and twenty-one years old, beyond the lesser of—

(A) three years; or

(B) the maximum term that would be authorized by section **【3561(b)】** *3561(c)* if the juvenile had been tried and convicted as an adult.

The provisions dealing with probation set forth in sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

§ 5038. Use of juvenile records

(a) * * *

* * * * *

(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in [section 841, 952(a), 955, or 959 of title 21] *section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act*, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony crime of violence or an offense described in [section 841, 952(a), 955, or 959 of title 21] *section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act*, or whenever a [juvenile] *juvenile* has been found guilty of committing an act after his 13th birthday which if committed by an adult would be an offense described in the second sentence of the fourth paragraph of section 5032 of this title, the court shall transmit to [the Federal Bureau of Investigation, Identification Division,] *the Federal Bureau of Investigation* the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.

* * * * *

**VIOLENT CRIME CONTROL AND LAW ENFORCEMENT
ACT OF 1994**

* * * * *

TITLE IV—VIOLENCE AGAINST WOMEN

* * * * *

**Subtitle E—Violence Against Women Act
Improvements**

* * * * *

SEC. 40503. PAYMENT OF COST OF TESTING FOR SEXUALLY TRANSMITTED DISEASES.

(a) * * *

(b) LIMITED TESTING OF DEFENDANTS.—

(1) * * *

* * * * *

(3) FOLLOW-UP TESTING.—The court may order follow-up tests and counseling under **[paragraph (b)(1)]** *paragraph (1)* if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

* * * * *

TITLE VI—DEATH PENALTY

* * * * *

SEC. 60003. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) * * *

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the **[section]** *subsection* and inserting “, except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense resulted in the identification by a foreign power (as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and consequently in the death of that individual, or directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.”.

* * * * *

(13) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking “a fine of not more than **[\$1,000,000 or]** *\$1,000,000 and* imprisonment for life,” and inserting “, where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both;”.

* * * * *

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

SEC. 80001. LIMITATION ON APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES.

(a) IN GENERAL.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(f) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN CASES.—Notwithstanding any other provision of law, in

the case of an offense under section 401, 404, or 406 of the Controlled Substances Act (21 U.S.C. 841, 844, 846) or section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963), the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that—

“(1) * * *

* * * * *

“(5) not later than the time of the sentencing hearing, the defendant has truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the defendant has no relevant or useful other information to provide or that the Government is already aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.”

* * * * *

TITLE XI—FIREARMS

Subtitle A—Assault Weapons

* * * * *

SEC. 110102. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) * * *

* * * * *

(c) PENALTIES.—

(1) * * *

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of such title is amended in the first sentence by inserting “, or semiautomatic assault weapon,” after “short-barreled [shotgun,] *shotgun*”.

* * * * *

Subtitle B—Youth Handgun Safety

SEC. 110201. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 110103(a), is amended by [adding at the end] *inserting after subsection (w) the following new subsection:*

“(x)(1) * * *

* * * * *

Subtitle E—Gun Crime Penalties

* * * * *

SEC. 110504. THEFT OF FIREARMS AND EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section [110203(a)] *110503*, is amended by adding at the end the following new subsection:

“(k) A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.”.

* * * * *

SEC. 110507. INCREASED PENALTY FOR KNOWINGLY MAKING FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section [924(a)] *924* of title 18, United States Code, is amended—

- (1) in subsection (a)(1)(B) by striking “(a)(6),”; and
- (2) in subsection (a)(2) by inserting “(a)(6),” after “[subsections] *subsection*”.

* * * * *

TITLE XII—TERRORISM

* * * * *

SEC. 120005. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding *at the end* the following new section:

“§ 2339A. Providing material support to terrorists

“(a) DEFINITION.—In this section, ‘material support or resources’ means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

* * * * *

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by adding *at the end* the following new item:

“2339A. Providing material support to terrorists.”.

* * * * *

TITLE XVI—CHILD PORNOGRAPHY

SEC. 160001. PENALTIES FOR INTERNATIONAL TRAFFICKING IN CHILD PORNOGRAPHY.

(a) * * *

* * * * *

(f) RICO AMENDMENT.—Section [1961(l)] *1961(1)* of title 18, United States Code, is amended by striking “2251–2252” and inserting “2251, 2251A, 2252, and 2258”.

(g) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amended—

(1) by striking “[a] Whoever” *Whoever*” and inserting “(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who”; and

* * * * *

TITLE XVII—CRIMES AGAINST CHILDREN

Subtitle A—Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

* * * * *

Subtitle B—Assaults Against Children

SEC. 170201. ASSAULTS AGAINST CHILDREN.

(a) * * *

* * * * *

(c) TECHNICAL AND STYLISTIC CHANGES TO SECTION 113.—Section 113 of title 18, United States Code, is amended—

[(1) in paragraph (b), by striking “of not more than \$3,000” and inserting “under this title”;

[(2) in paragraph (c), by striking “of not more than \$1,000” and inserting “under this title”;

[(3) in paragraph (d), by striking “of not more than \$500” and inserting “under this title”];]

* * * * *

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

* * * * *

Subtitle F—Other State and Local Aid

* * * * *

SEC. 210603. AVAILABILITY OF VIOLENT CRIME REDUCTION TRUST FUND TO FUND ACTIVITIES AUTHORIZED BY THE BRADY HANDGUN VIOLENCE PREVENTION ACT AND THE NATIONAL CHILD PROTECTION ACT OF 1993.

(a) * * *

(b) TECHNICAL AMENDMENT.—Sections 103(k) and 106(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) are each amended by striking “, which may be appropriated from the Violent Crime Reduction Trust [Fund,] *Fund established by section 1115 of title 31, United States Code,*”.

* * * * *

TITLE XXIII—VICTIMS OF CRIME

Subtitle A—Victims of Crime

* * * * *

Subtitle B—Crime Victims’ Fund

* * * * *

SEC. 230207. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended by striking “and on December 31 every [two] 2 years thereafter”, and inserting “and on June 30 every two years thereafter”.

* * * * *

TITLE XXIV—PROTECTIONS FOR THE ELDERLY

* * * * *

SEC. 240002. CRIMES AGAINST THE ELDERLY.

(a) * * *

* * * * *

(c) DEFINITIONS.—In this section—

(1) “crime of violence” means an offense under section 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or 2244 of title 18, United States Code.

(2) “elderly victim” means a victim who is 65 years of age or older at the time of an offense.

TITLE XXV—SENIOR CITIZENS AGAINST MARKETING SCAMS

* * * * *

SEC. 250008. INFORMATION NETWORK.

(a) HOTLINE.—The Attorney General shall, subject to the availability of appropriations, establish a national toll-free hotline for the purpose of—

- (1) providing general information on telemarketing fraud to interested persons; and
- (2) gathering information related to possible violations of [this Act] *provisions of law amended by this title.*

* * * * *

TITLE XXVIII—SENTENCING PROVISIONS

* * * * *

SEC. 280005. FULL-TIME VICE CHAIRS OF THE UNITED STATES SENTENCING COMMISSION.

(a) ESTABLISHMENT OF POSITIONS.—[Section 991 (a)] *Section 991(a)* of title 28, United States Code, is amended—

(1) * * *

* * * * *

TITLE XXIX—COMPUTER CRIME

SEC. 290001. COMPUTER ABUSE AMENDMENTS ACT OF 1994.

(a) SHORT TITLE.—This [subtitle] *section* may be cited as the “Computer Abuse Amendments Act of 1994”.

* * * * *

TITLE XXXII—MISCELLANEOUS

Subtitle A—Increases in Penalties

SEC. 320101. INCREASED PENALTIES FOR ASSAULT.

(a) * * *

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

[(1) by striking “not more than \$5,000” and inserting “under this title”];

(2) by inserting “, or inflicts bodily injury,” after “weapon”; and

(3) by striking “not more than \$10,000” and inserting “under this title”.

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

[(A) by striking “of not more than \$1,000” and inserting “under this title”; and]

(B) by striking “five” and inserting “ten”; and

(2) in subsection (e)—

[(A) by striking “of not more than \$300” and inserting “under this title”; and]

(B) by striking “three” and inserting “six”.

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking “not more than \$5,000,” and inserting “under this title,”;

(2) by inserting “the assault involved in the use of a dangerous weapon, or” after “if”;

[(3) by striking “not more than \$10,000” and inserting “under this title”; and]

(4) by striking “for”.

(e) PRESIDENT AND PRESIDENT’S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

[(1) by striking “not more than \$10,000,” both places it appears and inserting “under this title,”;

[(2) by striking “not more than \$5,000,” and inserting “under this title,”; and]

* * * * *

SEC. 320102. INCREASED PENALTIES FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) * * *

[(2) by striking “not more than \$1,000” and inserting “under this title”; and]

* * * * *

SEC. 320103. INCREASED PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

[(1) by striking “not more than \$10,000” and inserting “under this title”];

* * * * *

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

[(1) by striking “not more than \$1,000” and inserting “under this title”];

* * * * *

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

[(1) by striking “not more than \$1,000” and inserting “under this title”];

(2) by inserting “from the acts committed in violation of this section or if such acts include the use, attempted use, or

threatened use of a dangerous weapon, explosives, or fire” after “bodily injury results[;]”;

[(3) by striking “not more than \$10,000” and inserting “under this title”];

* * * * *

(e) **[FAIR HOUSING] 1968 CIVIL RIGHTS ACT.**—Section 901 of the **[Fair Housing Act] Civil Rights Act of 1968** (42 U.S.C. 3631) is amended—

(1) * * *

* * * * *

SEC. 320104. PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) * * *

(b) **LAUNDERING MONETARY INSTRUMENTS.**—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking “or section 2319 (relating to copyright infringement)[,]” and inserting “section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services),”.

* * * * *

SEC. 320109. MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) IN GENERAL.—Whoever”;

* * * * *

Subtitle F—White Collar Crime Amendments

* * * * *

SEC. 320602. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by striking “[whoever] *Whoever*” and inserting:

“(a) **ASSAULT.**—A person who”; and

* * * * *

Subtitle I—Other Provisions

* * * * *

SEC. 320911. MISUSE OF INITIALS “DEA”.

(a) **AMENDMENT.**—Section 709 of title 18, United States Code, is amended—

(1) in the **[thirteenth] 14th** unnumbered paragraph by striking “words—” and inserting “words; or”; and

(2) by inserting after the **[thirteenth] 14th** unnumbered paragraph the following new paragraph:

“A person who, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words ‘Drug Enforcement Administration’ or the initials ‘DEA’

or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;”.

* * * * *

SEC. 320927. EXEMPTION FROM BRADY BACKGROUND CHECK REQUIREMENT OF RETURN OF HANDGUN TO OWNER.

Section 922(s)(1) of title 18, United States Code, is amended in the first sentence by inserting “(other than the return of a handgun to the person from whom it was received)” after “handgun” *the first place it appears*.

* * * * *

TITLE XXXIII—TECHNICAL CORRECTIONS

* * * * *

SEC. 330002. GENERAL TITLE 18 CORRECTIONS.

(a) * * *

* * * * *

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking [the comma] *each comma* that follows a comma.

* * * * *

[(h) AMENDMENT TO SECTION 924(a)(1)(B).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking “(q)” and inserting “(r)”.]

* * * * *

SEC. 330004. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) * * *

* * * * *

(3) in section 709 by striking the seventh and [thirteenth] *14th* paragraphs;

* * * * *

(18) in sections 542, 544, and 545 by striking “[the] Philippine Islands,”; and

* * * * *

SEC. 330010. CORRECTION OF ERRORS FOUND DURING CODIFICATION.

Title 18, United States Code, is amended—

(1) * * *

* * * * *

(17) in section 3059A(e) **[(2)(iii)] (2)(A)(iii)** by striking “back-pay” and inserting “back pay”; and

* * * * *

SEC. 330011. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.

(a) * * *

* * * * *

(d) **PLACEMENT OF NEW SECTION.**—Section 404(a) of Public Law 101–630 is amended, effective on the date such section took effect, by striking “adding at the end thereof” **[each place]** *the first place* it appears and inserting “inserting after section **[1169]** *1168*”.

* * * * *

SEC. 330022. MARGIN ERROR.

Section 2512(2) of title 18, United States Code, is amended by realigning the matter that begins with “to send through” and ends with “electronic communications.” so that it is flush to the left margin.

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CONTROLLED SUBSTANCES ACT

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TITLE II—CONTROL AND ENFORCEMENT

PART A—SHORT TITLE; FINDINGS AND DECLARATION; DEFINITIONS

DEFINITIONS

SEC. 102. As used in this title:

(1) * * *

* * * * *

[(43)] (44) The term “felony drug offense” means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.

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PART D—OFFENSES AND PENALTIES

* * * * *

CONTINUING CRIMINAL ENTERPRISE

SEC. 408. (a) * * *

* * * * *

[Hearing Required With Respect to the Death Penalty]

[(g)] A person shall be subjected to the penalty of death for any offense under this section only if a hearing is held in accordance with this section.

[Notice by the Government in Death Penalty Cases]

[(h)(1)] Whenever the Government intends to seek the death penalty for an offense under this section for which one of the sentences provided is death, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice—

[(A)] that the Government in the event of conviction will seek the sentence of death; and

[(B)] setting forth the aggravating factors enumerated in subsection (n) and any other aggravating factors which the Government will seek to prove as the basis for the death penalty.

[(2)] The court may permit the attorney for the Government to amend this notice for good cause shown.

[Hearing Before Court or Jury]

[(i)(1)] When the attorney for the Government has filed a notice as required under subsection (h) and the defendant is found guilty of or pleads guilty to an offense under subsection (e), the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

[(A)] before the jury which determined the defendant's guilt;

[(B)] before a jury impaneled for the purpose of the hearing if—

[(i)] the defendant was convicted upon a plea of guilty;

[(ii)] the defendant was convicted after a trial before the court sitting without a jury;

[(iii)] the jury which determined the defendant's guilt has been discharged for good cause; or

[(iv)] after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

[(C)] before the court alone, upon the motion of the defendant and with the approval of the Government.

[(2)] A jury impaneled under paragraph (1)(B) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than 12.

[Proof of Aggravating and Mitigating Factors]

[(j)] Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under subsection (e), no presentence report shall be prepared. In the sentencing hearing, information may be presented as

to matters relating to any of the aggravating or mitigating factors set forth in subsections (m) and (n), or any other mitigating factor or any other aggravating factor for which notice has been provided under subsection (h)(1)(B). Where information is presented relating to any of the aggravating factors set forth in subsection (n), information may be presented relating to any other aggravating factor for which notice has been provided under subsection (h)(1)(B). Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial, or at the trial judge's discretion. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the evidence.

[Return of Findings]

[(k) The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factors set forth in subsection (n), found to exist. If one of the aggravating factors set forth in subsection (n)(1) and another of the aggravating factors set forth in paragraphs (2) through (12) of subsection (n) is found to exist, a special finding identifying any other aggravating factor for which notice has been provided under subsection (h)(1)(B), may be returned. A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this subsection, regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If an aggravating factor set forth in subsection (n)(1) is not found to exist or an aggravating factor set forth in subsection (n)(1) is found to exist but no other aggravating factor set forth in subsection (n) is found to exist, the court shall impose a sentence, other than death, authorized by law. If an aggravating factor set forth in subsection (n)(1) and one or more of the other aggravating factors set forth in subsection (n) are found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating fac-

tors, whether aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend that a sentence of death shall be imposed rather than a sentence of life imprisonment without possibility of release or some other lesser sentence. The jury or the court, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

[Imposition of Sentence

[(l) Upon the recommendation that the sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

[(1) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

[(2) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful, or lacks the ability to convey such information to counsel or to the court.

[Mitigating Factors

[(m) In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider mitigating factors, including the following:

[(1) The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

[(2) The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

[(3) The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

[(4) The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

[(5) The defendant was youthful, although not under the age of 18.

[(6) The defendant did not have a significant prior criminal record.

[(7) The defendant committed the offense under severe mental or emotional disturbance.

[(8) Another defendant or defendants, equally culpable in the crime, will not be punished by death.

[(9) The victim consented to the criminal conduct that resulted in the victim's death.

[(10) That other factors in the defendant's background or character mitigate against imposition of the death sentence.

[Aggravating Factors for Homicide

[(n) If the defendant is found guilty of or pleads guilty to an offense under subsection (e), the following aggravating factors are the only aggravating factors that shall be considered, unless notice of additional aggravating factors is provided under subsection (h)(1)(B):

[(1) The defendant—

[(A) intentionally killed the victim;

[(B) intentionally inflicted serious bodily injury which resulted in the death of the victim;

[(C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim;

[(D) intentionally engaged in conduct which—

[(i) the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense; and

[(ii) resulted in the death of the victim.

[(2) The defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

[(3) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on a different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

[(4) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

[(5) In the commission of the offense or in escaping apprehension for a violation of subsection (e), the defendant knowingly created a grave risk of death to one or more persons in addition to the victims of the offense.

[(6) The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

[(7) The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

[(8) The defendant committed the offense after substantial planning and premeditation.

[(9) The victim was particularly vulnerable due to old age, youth, or infirmity.

[(10) The defendant had previously been convicted of violating this title or title III for which a sentence of five or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

[(11) The violation of this title in relation to which the conduct described in subsection (e) occurred was a violation of section 418.

[(12) The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

[Right of the Defendant to Justice Without Discrimination]

[(o)(1) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or the victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, may be. The jury shall return to the court a certificate signed by each juror that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, may be.

[(2) Not later than one year from the date of enactment of the Anti-Drug Abuse Amendments Act of 1988, the Comptroller General shall conduct a study of the various procedures used by the several States for determining whether or not to impose the death penalty in particular cases, and shall report to the Congress on whether or not any or all of the various procedures create a significant risk that the race of a defendant, or the race of a victim against whom a crime was committed, influence the likelihood that defendants in those States will be sentenced to death. In conducting the study required by this paragraph, the General Accounting Office shall—

[(A) use ordinary methods of statistical analysis, including methods comparable to those ruled admissible by the courts in race discrimination cases under title VII of the Civil Rights Act of 1964;

[(B) study only crimes occurring after January 1, 1976; and

[(C) determine what, if any, other factors, including any relation between any aggravating or mitigating factors and the race of the victim or the defendant, may account for any evidence that the race of the defendant, or the race of the victim, influences the likelihood that defendants will be sentenced to death. In addition, the General Accounting Office shall examine separately and include in the report, death penalty cases involving crimes similar to those covered under this section.

**[Sentencing in Capital Cases in Which Death Penalty is not
Sought or Imposed]**

[(p) If a person is convicted for an offense under subsection (e) and the court does not impose the penalty of death, the court may impose a sentence of life imprisonment without the possibility of parole.]

**Appeal in Capital Cases; Counsel for Financially Unable
Defendants**

(q)[(1) In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28, United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

[(2) On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

[(3) The court shall affirm the sentence if it determines that—

[(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

[(B) the information supports the special finding of the existence of every aggravating factor upon which the sentence was based, together with, or the failure to find, any mitigating factors as set forth or allowed in this section.

[In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.]

(4)(A) Notwithstanding any other provision of law to the contrary, in every criminal action in which a defendant is charged with a crime which may be punishable by death, a defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services at any time either—

(i) before judgment; or

* * * * *

**[Refusal to Participate by State and Federal Correctional
Employees]**

[(r) No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term “participation in executions” includes personal preparation of the condemned individual and the apparatus used for execu-

tion and supervision of the activities of other personnel in carrying out such activities.】

* * * * *

ACT OF NOVEMBER 30, 1993

AN ACT To provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm.

* * * * *

TITLE I—BRADY HANDGUN CONTROL

SEC. 101. SHORT TITLE.

This title may be cited as the “Brady Handgun Violence Prevention Act”.

* * * * *

SEC. 103. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) * * *

* * * * *

(e) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

* * * * *

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

* * * * *

(i) PROHIBITION RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) * * *

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons, prohibited by section 922 (g) or (n) of title 18, United States Code, or State law, from receiving a firearm.

* * * * *

TITLE II—MULTIPLE FIREARM PURCHASES TO STATE AND LOCAL POLICE

SEC. 201. REPORTING REQUIREMENT.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) in the second sentence by inserting after “[thereon,] *thereon*” the following: “and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place,”;

* * * * *

SECTION 540A OF TITLE 28, UNITED STATES CODE

§ 540A. Investigation of violent crimes against travelers

(a) * * *

* * * * *

(c) DEFINITIONS.—In this section—

(1) “felony crime of violence” means an offense punishable by more than one year in prison that has as an element the use, attempted use, or threatened use of physical force against the person of another.

(2) “State” means a State, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(3) “traveler” means a victim of a crime of violence who is not a resident of the State in which the crime of violence occurred.

SECTION 901 OF THE CIVIL RIGHTS ACT OF 1968

PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

SEC. 901. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with or attempts to injure, intimidate or interfere with—

(a) * * *

* * * * *

shall be fined [under this title] *under title 18, United States Code*, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined [under this title] *under title 18, United States Code*, or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined [under this title] *under title 18, United States Code*, or imprisoned for any term of years or for life, or both.

SECTION 223 OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs and challenge activities subsequent to State participation in part E. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) * * *

* * * * *

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State [law].) *law*, or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

* * * * *

SECTION 961 OF THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989

SEC. 961. INCREASED CRIMINAL PENALTIES FOR CERTAIN FINANCIAL INSTITUTION OFFENSES.

(a) * * *

* * * * *

(h) LOAN AND CREDIT APPLICATIONS GENERALLY; RENEWALS AND DISCOUNTS; CROP INSURANCE.—Section 1014 of title 18, United States Code, is amended—

(1) by striking “a Federal Home Loan Bank, the Federal Home Loan Bank Board, the Home Owners’ Loan Corporation, a Federal [Saving and Loan] *Savings and Loan* Association”;

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